

March 2, 1933

Attention: Harry Hatcher

Arizona Highway Commission,  
Arizona Highway Department,  
Phoenix, Arizona.

Gentlemen:

The Highway Department has called for bids on highway construction, the bids to be open tomorrow, Friday, March 3, 1933. Under the call for bids, it is required that each bid be accompanied by a deposit of not less than 5% of the amount of the bid - such deposit to be in cash or by certified check. Due to the Proclamation of the Governor issued this morning authorizing all banks in this State to suspend withdrawals until Monday, March 6, 1933, it is impossible for bidders to comply with the deposit requirement of the call for bids. You have asked for the opinion of the Attorney General as to the duties and authority of the Highway Department under these circumstances.

It is my opinion that the Commission may continue the time for opening of bids for one week, or such other time as within the judgment of the Commission is reasonable. It may not, however, receive bids after the time specified in the call for bids. The bids filed within the time specified in the call, although not accompanied by the required deposit, may be considered by the Commission at the opening of bids at the postponed date, provided the necessary deposit has been made before the date of postponement. A bid accepted under such procedure will be valid.

The Commission may, of course, reject all bids, and make a new call for bids.

Very truly yours,

Attorney General

CLS:W

By

Assistant Attorney General